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EXAMINER

MAHMOUDI, HASSAN

ART UNIT	PAPER NUMBER
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2175

18

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/608,612

Applicant(s)

KESKAR ET AL

Examiner

Tony Mahmoudi

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 23-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

DOV POPOVICI

SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Remarks*

1. In response to communications filed on 05-April-2004, the specification of the disclosure and claims 23-26, 28-40, and 42-50 have been amended, and new claims 51-52 are added per applicant's request. Therefore, claims 23-52 are presently pending in the application.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 23-27, 30-41, and 44-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fohn et al (U.S. Patent No. 6,460,025) in view of Hedgcock et al (U.S. Patent No. 6,182,060.)

As to claim 23, Fohn et al teaches a method (see Abstract) comprising:

recognizing a change to content of items (see column 16, lines 58-62);

generating a query in response to the change (see column 20, lines 33-37), the query

being based on characteristics of the items indicated in the list (see column 20, lines 37-43,

where “characteristics of the first set of items” is read on “operations which comprise the computations”.)

Fohn et al does not teach:

user populated list of items from an item space; and

applying the query to the item space to identify a second list of items.

Hedgcock et al teaches a system and method for processing customer-oriented data sets (see Abstract), in which he teaches user populated list of items from an item space (see Abstract, and see column 6, lines 31-36); and

applying the query (see column 5, lines 32-36) to the item space to identify a second list of items (see column 6, lines 31-47.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Fohn et al to include user populated list of items from an item space; and applying the query to the item space to identify a second list of items.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Fohn et al by the teachings of Hedgcock et al, because including user populated list of items from an item space; and applying the query to the item space to identify a second list of items, would enable the user to query a first set of items and generate a second set of items based on the query results, in order to refine the set of items according to the user's requirements (e.g. grouping items based on relevancy factor, frequency of usage, etc., or generating sub-queries with the results of the initial query.) As taught by Hedgcock et al, “during a user analysis session or the like, users may ask queries

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which require existing lists to be combined so as to generate a new list that constitutes the answer to the query” (see column 6, lines 45-47.)

As to claims 24 and 38, Fohn et al as modified teaches wherein the user-populated list comprises a related-items group (see Fohn et al, column 4, lines 7-10, and lines 38-46), and wherein the items indicated in the user-populated list (see Hedgcock et al, Abstract, and see column 6, lines 31-36) share at least one characteristic with the items indicated in the second list (see Fohn et al, column 4, lines 47-54, and see Hedgcock et al, column 6, lines 31-47.)

As to claims 25 and 39, Fohn et al as modified teaches wherein the user-populated list comprises a not-related-items group (see Fohn et al, column 4, lines 37-46), and wherein the items indicated in the user-populated list (see Hedgcock et al, Abstract, and see column 6, lines 31-36) each have at least one characteristic that is not shared with any of the items indicated in the second list (see Fohn et al, column 8, lines 7-12, and see Hedgcock et al, column 6, lines 31-47.)

As to claims 26 and 40, Fohn et al as modified teaches wherein the user-populated list comprises two subgroups, the subgroups comprising a related-items group and a not-related-items group (see Fohn et al, column 22, lines 5-29, where “subgroup” is read on “sub-categories”).)

As to claims 27 and 41, Fohn et al as modified teaches wherein generating the query comprises:

finding positive characteristics among items indicated in the related-items group (see Fohn et al, column 4, lines 7-10, where “positive characteristics” is read on “entities that are relevant”);

assigning a positive relevance to each positive characteristic based on a weighted occurrence of a respective positive characteristic among the items indicated in the related-items group (see Fohn et al, Abstract, and see column 8, lines 25-38, where positive characteristics based on weighted occurrence” is read on “calculation of relevance based on existence of association”);

finding negative characteristics among items indicated in the not-related items group (see Fohn et al, column 4, lines 38-46); and

assigning a negative relevance to each negative characteristic based on a weighted occurrence of a respective negative characteristic among the items indicated in the not-related-items group (see Fohn et al, column 4, lines 38-46, where “finding negative characteristics” is read on “computing the structural relevance” and on “determining a dynamic set of weakly relevant and irrelevant entities”.)

As to claims 30 and 44, Fohn et al as modified teaches wherein recognizing the change comprises one of:

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recognizing when one of the items indicated in the user-populated list (see Hedgcock et al, Abstract, and see column 6, lines 31-36) has been moved from the related-items group to the not-related-items group (see Fohn et al, column 22, lines 5-29); or

recognizing when one of the items indicated in the user-populated list has been moved from the not-related-items group to the related-items group (see Fohn et al, column 22, lines 5-29.)

As to claims 31 and 45, Fohn et al as modified teaches wherein recognizing the change comprises one of:

recognizing when any item has been deleted from the user-populated list; or

recognizing when a new item has been added to the user-populated list (see Fohn et al, column 22, lines 5-29, where “adding” or “deleting” is read on “moving” entities from one category [deleting] into another category [adding]).”

As to claims 32 and 46, Fohn et al as modified teaches wherein the user-populated list and the second list comprise a first organizational instance among a plurality of organizational instances, and wherein each of the plurality of organizational instances is based on a different set of target characteristics (see Fohn et al, column 7, lines 64-65, and see column 8, lines 52-56, where “organizational instances” is read on “instances of the category nodes”).)

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As to claims 33 and 47, Fohn et al as modified teaches wherein recognizing the change comprises:

recognizing when a new item has been added to the user-populated list from a second organizational instance (see Fohn et al, column 11, line 56 through column 12, line 14.)

As to claims 34 and 48, Fohn et al as modified teaches the method further comprising:  
recognizing additional changes to the content of the user-populated list (see Fohn et al, column 16, lines 58-62); and

repeating the generating and applying for each of the additional changes (applicant is kindly directed to the remarks and discussions made in claims 23 above.)

As to claims 35 and 49, Fohn et al as modified teaches wherein the item space comprises at least one of documents, files, emails, tasks, notes, instant messages, contacts, or web pages stored in memory (see Fohn et al, column 19, lines 25-34.)

As to claims 36 and 50, Fohn et al as modified teaches the method further comprising:  
storing the user-populated list (see Fohn et al, column 9, lines 57-60, and see Hedgcock et al, Abstract, and see column 6, lines 31-36);

recalling the user-populated list following a change in the item space (see Fohn et al, column 17, lines 45-48, where “recalling” is read on “getting the node”, and see Hedgcock et al, Abstract, and see column 6, lines 31-36);

regenerating the query (see Hedgcock et al, column 5, lines 32-36); and



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applying the query (see Hedgcock et al, column 5, lines 32-36) to the item space to identify an updated list of items (see Hedgcock et al, column 6, lines 31-47.)

As to claim 37, Fohn et al teaches a machine readable medium (see Abstract) having stored thereon machine executable instructions, the execution of which to implement a method (see column 24, lines 36-41) comprising:

(for the teachings of the remaining limitations of this claim, the applicant is kindly directed to the remarks and discussions made in claim 23 above.)

As to claims 51 and 52, Fohn et al as modified teaches wherein the user populated list (see Hedgcock et al, Abstract, and see column 6, lines 31-36) comprises a set of identifiers (see Hedgcock et al, column 6, lines 60-63), each identifier of the set of identifiers indicating a particular item in the item space (see Hedgcock et al, column 10, line 64 through column 11, line 3.)

4. Claims 28-29 and 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fohn et al (U.S. Patent No. 6,460,025) in view of Hedgcock et al (U.S. Patent No. 6,182,060), as applied to claims 23-27, 30-41, and 44-52 above, and further in view of Zhai (U.S. Patent No. 6,463,434.)

As to claims 28 and 42, Fohn et al, as modified teaches wherein applying the query comprises:

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finding target items from the item space that include at least a certain number of the positive characteristics (see Fohn et al, column 4, lines 38-54.)

Fohn et al as modified still does not teach:

assigning a relevance score to each target item based on the positive relevances and the negative relevances of a respective target item's characteristics; and

selecting items to populate the second list of items from among the target items based on the relevance scores.

Zhai teaches a method for profile score threshold setting (see Abstract), in which he teaches assigning a relevance score to each target item based on the positive relevances and the negative relevances of a respective target item's characteristics (see column 2, lines 55-62); and selecting items to populate the second set of items from among the target items based on the relevance scores (see column 4, lines 25-32.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Fohn et al as modified, to include assigning a relevance score to each target item based on the positive relevances and the negative relevances of a respective target item's characteristics; and selecting items to populate the second set of items from among the target items based on the relevance scores.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Fohn et al as modified, by the teachings of Zhai, because assigning a relevance score to each target item based on the positive relevances and the negative relevances of a respective target item's characteristics; and selecting items to populate the second set of items from among the target items based on the relevance scores,

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would enable the system to measure relevancy of data elements and group the data elements into various categories based on their relevance score, for an effective and fast retrieval of information categories based on their relevance to the “example” data entered by the user.

As to claims 29 and 43, Fohn et al as modified teaches wherein selecting items to populate the second list (see Fohn et al, column 22, lines 5-29, and see Hedgcock et al, column 6, lines 31-47) comprises one of:

selecting all of the target items;  
selecting a certain number of the target items; or  
selecting only target items that have a relevance score over a certain threshold (see Zhai, column 4, lines 25-32.)

#### ***Response to Arguments***

5. Applicant's arguments filed on 05-April-2004 with respect to the rejected claims in view of the cited references have been fully considered but they are moot in view of the new grounds for rejection.

#### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (703) 305-4887. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (703) 305-3830.

tm

June 24, 2004

  
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